

Introduced by Senator Denham

December 6, 2004

An act to add Sections 15202.2 and 15202.3 to the Government Code, relating to local government finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 9, as introduced, Denham. Local government finance.

Existing law authorizes counties to apply to the Controller for partial reimbursement of expenses incurred for homicide trials.

The Budget Act of 2004 provides for payment to counties for costs of homicide trials and specifies the procedure for a county to apply to the Controller for that reimbursement under certain criteria.

The bill would require the Controller to reimburse a county having a population below a specified level for 100% of the allowable costs in a case in which the trial venue has been changed from that county to a location more than 60 miles from the county seat of that county.

This bill would provide that, notwithstanding any other provision of law, funds appropriated by the Budget Act of 2004 shall be available for reimbursement of 100% of the costs incurred by the County of Stanislaus and the City of Modesto for the homicide prosecution of Scott Peterson. The bill would also provide that, notwithstanding any other provision of law, requests for reimbursement of local agency costs for homicide trials shall be reviewed by the Controller prior to payment and would specify standards for reimbursement by the Controller.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 15202.2 is added to the Government
2 Code, to read:

3 15202.2. Notwithstanding any other provision of law, if the
4 venue for the trial of a homicide case has been changed from a
5 county that is eligible for reimbursement under subdivision (a) or
6 (b) of Section 15202 to a location more than 60 miles from the
7 county seat of that county, the Controller shall reimburse the
8 county from which the venue was transferred for 100 percent of
9 the allowable costs incurred by that county.

10 SEC. 2. Section 15202.3 is added to the Government Code, to
11 read:

12 15202.3. (a) Notwithstanding any other provision of law,
13 requests for reimbursement of local agency costs for homicide
14 trials shall be reviewed by the Controller prior to payment.

15 (b) The Controller shall not reimburse any local agency for
16 costs incurred pursuant to Section 15202 that exceed the
17 California Victim Compensation and Government Claims
18 Board's standards for travel and per diem expenses. The
19 Controller may reimburse extraordinary costs in unusual cases if
20 the local agency provides sufficient justification of the need for
21 these expenditures. Nothing in this section shall permit the
22 reimbursement of costs for travel in excess of 1,000 miles on any
23 single round trip, without the prior approval of the Attorney
24 General.

25 (c) The Controller shall reimburse local agencies for
26 reasonable and necessary expenses incurred pursuant to Section
27 15202, except that reimbursements to a local agency shall not
28 exceed the following:

29 (1) For attorney services, an hourly rate equal to that county's
30 average hourly cost for public defenders, the hourly rate paid to
31 appointed counsel, or the hourly rate charged state agencies by
32 the Attorney General for attorney services, whichever rate is less.

33 (2) For investigators, an hourly rate equal to that county's
34 average hourly cost for county-employed investigators or the
35 hourly rate charged state agencies by the Attorney General for
36 investigators, whichever rate is less.

37 (3) For expert witnesses, the hourly rate that the county
38 generally pays for these services.

1 SEC. 3. (a) Notwithstanding any other provision of law,
2 funds appropriated by Item 8180-101-0001 of the Budget Act of
3 2004 shall be available for reimbursement of 100 percent of the
4 costs incurred by the County of Stanislaus and the City of
5 Modesto for the homicide investigation and prosecution of Scott
6 Peterson.

7 (b) Notwithstanding any other section of law, for any county
8 with a population of 50,000 or less funds, appropriated by Item
9 8180-101-0001 of the Budget Act of 2004 shall be available for
10 reimbursement of 100 percent of the costs incurred for the
11 conduct of a homicide trial.

12 SEC. 4. This act is an urgency statute necessary for the
13 immediate preservation of the public peace, health, or safety
14 within the meaning of Article IV of the Constitution and shall go
15 into immediate effect. The facts constituting the necessity are:

16 In order to provide the County of Stanislaus, the City of
17 Modesto, and certain small counties with urgently needed fiscal
18 assistance at the earliest possible time, it is necessary that this act
19 take effect immediately.